

yp



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,295	12/04/2001	Sayling Wen	3313-0439P-SP	8936

2292 7590 12/13/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

RIVERO, MINERVA

ART UNIT	PAPER NUMBER
----------	--------------

2655

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

yp

W

Office Action Summary	Application No. 10/000,295	Applicant(s) WEN ET AL.	
	Examiner Minerva Rivero	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8-11, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Parry *et al.* (US Patent 6,077,085).

3. Regarding claim 1, Parry *et al.* disclose a system comprising

a question-generating module, which generates a question signal according to a number inherently generated by a random number generator and sends it to the user (Col. 15, Lines 7-9; Col. 18, Lines 1-11; Col. 12, Lines 52-59);

a sentence-making language-learning module, which generates a sentence-making signal when the question signal is received and determines whether the message input by the user is correct (Col. 12, Lines 52-59; *Real-Time Response Evaluation*, Col. 17, Lines 43-50; *Response Evaluation Procedure Flowchart*, Fig. 9)

and a sentence pattern database, which stores at least one sentence pattern sample datum for the question-generating module and the sentence-making language-learning module to use (*word, phrase and sentence database with tagging according to constructs' grammar, syntax and vocabulary concept*, Col. 3, Lines 21-36).

4. Regarding claim 9, Parry *et al.* further disclose

the conversational foreign language speaking and listening ability training system is used on a computer executable hardware platform selected from the group consisting of a PC (Personal Computer, a NB (Notebook), or a PDA (Personal Digital Assistant) (*Computer Hardware*, Col. 5, Line 60 – Col. 6, Line 18; Fig. 1).

5. Regarding claim 10, Parry *et al.* disclose a method comprising the steps of

establishing at least one sentence pattern sample in a sentence pattern database (Col. 3, Lines 21-36; *grammar patterns and identifying sentences of a particular grammar principle*, Col. 7, Lines 32-42; *concept tagging method*, Fig. 3);

using a question-generating module to output a question sentence (*Question and Answer Sentence Builder*, Col. 12, Lines 52-59);

using a sentence-making language-learning module to perform a sentence-making job (*Sentence Builder*, Col. 12, Lines 42-51; *Question and Answer Sentence Builder*, Col. 12, Lines 52-59)

and waiting for a user to complete the sentence-making job (*Sentence Builder*, Col. 12, Lines 52-59).

6. Regarding claim 11, Parry *et al.* disclose

obtaining a sentence pattern sample datum from the sentence pattern database according to a random number (*questions are randomly presented to the student*, implying use of a random number generator, Col. 15, Lines 7-9; Col. 18, Lines 1-4 and 10-11);

formatting the sentence pattern sample datum and output it to the sentence-making language-learning module (*constructs are arranged according to their grammar, syntax and vocabulary tags*, Col. 3, Lines 21-36; Col. 7, Lines 32-42);

asking the user through a question sentence speech model and a question sentence text (*question may be presented in audible or textual form*, Col. 12, Lines 15-20).

7. Regarding claims 8 and 16, Parry *et al.* further disclose

the user operating interface uses a basic I/O (Input/Output) device to perform I/O

Art Unit: 2655

and the basic I/O device is selected from a grouping consisting of a keyboard, a mouse a digital touch-control panel, and a speech playing system (*Computer Hardware*, Col. 5, Line 60 – Col. 6, Line 18).

8. Regarding claim 14, Parry *et al.* disclose

using the sentence-making language-learning module to obtain an answer sentence text and an answer sentence speech model from the sentence pattern database to use as a comparison sample (if response is incorrect, correct answer is shown to the student, Col. 3, Lines 64-67);

dividing the answer sentence text into individual words, shuffling the words, and outputting the result to the user (Col. 3, Lines 48-51);

receiving a message input by the user (*student answers*, Col. 3, Lines 56-59);

sending the input message to an adder according to the FCFS principle (*Sentence Builder*, Col. 12, Lines 42-51);

determining whether the input is over (*growing sentence is added upon in each step*, Col. 12, Lines 42-51);

combining pieces stored in the adder and comparing the result with the comparison sample (*next step adds to initial sentence*, Col. 12, Lines 42-51) and

checking the sentence making job (*step is checked for accuracy*, Col. 12, Lines 42-51).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-7 and 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry *et al.* (US Patent 6,077,085).

11. Regarding claim 2, Parry *et al.* do not explicitly disclose

providing a random number list for storing a random number series.

However, the examiner takes Official Notice that it is a well-known and common practice in the art to store validated numbers in order to have them readily available for future use.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have store validated numbers in Parry *et al.*'s language learning system in order to have the random numbers available for future reference.

12. Regarding claims 3, 4 and 6, Parry *et al.* do not explicitly disclose

the sentence-making language-learning module provides a buffer and an adder; the buffer stores a comparison sample for comparing with the data in the adder and

the adder receives a message input by the user and processes it according to the FCFS (First Come First Served) principle.

However, the examiner takes Official Notice that it is well known in the art to provide a buffer to store data in a data processing system, and to provide an adder to perform the basic mathematical and logical functions necessary to compare the data.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have a buffer and an adder in Parry *et al.*'s language learning system in order to enable the storing and comparison of data accordingly.

13. Regarding claim 5, Parry *et al.* further disclose

the comparison sample is an answer corresponding to the randomly generated

Art Unit: 2655

question (*sample sentences are used in creating exercises*, Col. 7, Lines 9-17; *correct answer is shown to student*, Col. 3, Lines 64-67).

14. Regarding claims 7, 12 and 13, Parry *et al.* disclose a system and method comprising

an answer sentence text, which is an answer presented in text (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; Col. 11, Lines 32-35; Col. 12, Lines 15-20-25);

a question sentence text, which is a question presented in text (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; Col. 11, Lines 32-35; Col. 12, Lines 15-20-25);

an answer sentence speech model, which is an answer sentence presented in speech (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; *presented audibly*, Col. 11, Lines 32-35; Col. 12, Lines 15-25) and

a question sentence speech model, which is a question sentence presented in speech (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; *presented audibly*, Col. 11, Lines 32-35; Col. 12, Lines 15-25).

However, Parry *et al.* do not explicitly disclose

a sentence pattern code, which is a serial number of the sentence pattern sample data and corresponds to a random number. The examiner takes Official Notice that it is notoriously well-known in the art to index an element in a list through a code or serial number in order to distinguish between the various elements and refer to them properly.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to include a serial number to identify a sentence pattern sample in Parry *et al.*'s language learning system in order to successfully identify and retrieve in random order the various sentence patterns in the database.

15. Regarding claim 15, Parry *et al.* do not explicitly disclose

the adder receives and temporarily stores the message input by the user and processes it according to the FCFS principle.

However, the examiner takes Official Notice that it is well known in the art to provide an adder to perform the basic mathematical and logical functions necessary to compare the data.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have an adder in Parry *et al.*'s language learning system in order to enable the storing and comparison of data accordingly. [Note: See *Sentence Builder*, Col. 12, Lines 42-51).]

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hopp *et al.* (US 2002/0161732) disclose a language-learning system that includes exercises where a series of words are shuffled and the user is prompted to rearrange them into the correct order.

Ferguson *et al.* (US 2002/0077166) disclose a game in which a series of words must be arranged correctly.

Nir (US Patent 6,704,699) discloses an apparatus that uses text-to-speech synthesis to teach pronunciation of text in a foreign language.

Corder (US Patent 5,387,104) discloses a computerized method and system of teaching a foreign language involving the use of speech recognition and synthesis.


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (703) 605-4377. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

Art Unit: 2655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 305-9508. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 11/30/2004



DAVID L. OMETZ
PRIMARY EXAMINER